

**SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**HEARING OFFICER DIRECTIVE**

**DOCKET NOS. [2017-370-E](#), [2017-207-E](#), and [2017-305-E](#) ORDER NO. 2018-175-H**

**NOVEMBER 19, 2018**

David Butler  
Hearing Officer

**DOCKET DESCRIPTION:**

**Docket No. 2017-370-E** – Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

**Docket No. 2017-207-E** – Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

**Docket No. 2017-305-E** – Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

**MATTER UNDER CONSIDERATION:**

**Counsel for the Office of Regulatory Staff Request for Removal of All Confidential Designations**

**HEARING OFFICER ACTION:**

**THE REQUEST**

**Counsel for the Office of Regulatory Staff (“ORS”) requests that South Carolina Electric & Gas Company (“SCE&G”) remove all confidential designations in the discovery and proceedings for the abandoned V.C. Summer Project, except by the agreement of the parties to the limited Bechtel designation of testimony about the Vogtle project and except for Westinghouse testimony about other projects as well. Alternately, counsel for ORS requests that the Commission designate the following documents, except where as otherwise noted, as not confidential:**

**1. The deposition transcripts, including all corresponding exhibits used within the depositions, of:**

**a. Kenneth Browne; b. Kevin Kochems; c. Ron Jones; d. Kevin Marsh; e. Stephen Byrne; f. Jimmy Addison; g. Ty Troutman (except for information related to currently active projects); h. George Wenick; i. Gary Jones; j. Allyn Powell; k. Gene Soult; l. Dan Magnarelli (except for certain designated portions in the depositions of Magnarelli and Falascino that relate to ongoing Westinghouse activities and projects other than V.C. Summer); m. Terry Elam; n. Joni Falascino (Westinghouse 30 (b)(6)); o. Robert McKie; p. Sherri Wicker; q. Margaret Felkel; r. Barry McDonald; and s. Dukes Scott. ORS also requests that any other depositions taken prior to the Commission's Order in these Dockets be designated as non-confidential.**

**2. All documents produced by George Wenick, Esquire to the ORS.**

**3. All documents produced by SCE&G to ORS.**

**4. All documents produced by ORS to SCE&G.**

**5. SCE&G Responses and production to ORS's Audit Information Request 5-25 regarding the subpoenaed material SCE&G provided to the Department of Justice.**

**6. The documents with the following Bates identification that relate to an analysis of the EPC cost to complete estimates;**

**a. SCANA\_RP0883990 and**

**b. SCANA\_RP0883991.**

**ORS states a belief that there is no continuing or legitimate basis for the confidential designation of any of these items listed above, other than the two minimal designations mentioned above. ORS also argues that in order for these proceedings to proceed efficiently and also in the public interest of full disclosure and transparency, all parties and the Commission should be able to receive and use these documents freely without the hindrance of any confidential designations.**

#### **HEARING OFFICER'S OPINION**

**The Hearing Officer agrees with the reasoning presented by the Office of Regulatory Staff and holds that the alternate relief requested by ORS shall be granted as filed, with one exception, to be described below. Clearly, in the interest of efficiency and full disclosure and transparency, all parties and the Commission should indeed be able to receive and use these documents freely without the hindrance of any confidential designations, other than**

those limited designations stated by ORS above. Such a holding is consistent with this Hearing Officer's reasoning on confidential matters stated in Order Nos. 2018-141-H and 2018-161-H. Further, no opposition has been received to the ORS request from any party to these proceedings. Although some of the materials listed in the ORS November 5, 2018 correspondence have since been presented with no mention of confidentiality, my ruling nonetheless applies to all listed matters in that correspondence, to remove all doubt. The one exception to the ruling is that I will not hold that any other depositions taken prior to the Commission's Order in these Dockets will be automatically designated as non-confidential. This Hearing Officer will be glad to consider confidentiality issues that may arise with such depositions at a future time.

Accordingly, with the one exception as described above, the alternate relief sought by ORS in its letter of November 5, 2018 and referred to in its e-mail of November 16, 2018 is hereby granted as filed. This ends the Hearing Officer's Directive.